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October 18, 2024

Via ECF

Honorable Georgette Castner, U.S.M.J.
United States District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: Doe v. Delaware Valley Regional High School Bd. of Ed., et al.
Docket No.: 3:24-cv-00107-GC-JBD

Dear Judge Castner:

Although Plaintiff brings to this Court's attention a recent opinion resolving cross motions for summary judgment in *Tatel v. Mt. Lebanon School District*, --- F. Supp. 3d ----, 2024 WL 4362459 (W.D. Pa. Sept. 30, 2024), *see* ECF No. 85, this Court has already soundly distinguished *Tatel* on its facts, *see* ECF No. 37 at 20-21, and nothing in this most recent opinion has changed such that *Tatel* would now favor Plaintiff's request for preliminary relief when it previously did not.

As this Court already found in denying Plaintiff's TRO request, the challenged actions in *Tatel* involved affirmative behavior by a teacher—teaching first graders non-curricular content about gender identity—wholly unlike the non-coercive policy challenged here, which simply defers to student choice on gender. *See* ECF No. 37 at 20-21; *see also* State Defendants' Brief in Opposition to Plaintiff's Motion for Preliminary Injunction, ECF No. 45 at 21-25. Further, this Court has already considered and distinguished the Third Circuit precedents discussed in *Tatel*, including *Gruenke v. Seip*, 225 F.3d 290 (3d Cir. 2000) and *C.N. v. Ridgewood Board of Education*, 430 F.3d 159 (3d Cir. 2005), and properly concluded that those cases, like *Tatel*, involved “proactive, coercive interference with the parent-child relationship” not present here. ECF No. 37 at 15-16.



In short, the summary judgment opinion in *Tatel* provides no support for Plaintiff's preliminary injunction request.

Sincerely yours,

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

By:/s/Matthew Lynch

Matthew Lynch
Deputy Attorney General

Cc: Via ECF
All counsel of record